

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

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**FILE:** B-214096**DATE:** March 6, 1984**MATTER OF:** Kidd Enterprises, Inc.**DIGEST:**

Bid bond issued to only one of the joint venturers competing for a contract is deficient, since in order to bind a surety, a bond must be issued to the same exact legal entity that is bidding for a contract. Further, such a bond is a material requirement, and deficiencies generally may not be corrected after opening; rather, the contracting officer must reject the bid as nonresponsive.

Kidd Enterprises, Inc. protests the Forest Service's award of a contract for modification of the Gauley Water System in the Monongahela National Forest under invitation for bids No. R9-84-07. We summarily deny the protest.

The protester asserts that it was the apparent low bidder at \$33,064, but that an award nevertheless was made to the second-low bidder at \$45,900. Kidd states that it bid as part of a joint venture and that the joint venture's bid was rejected because it was accompanied by a bid bond made out in the name of only one of the joint venturers. Kidd questions why, if the bid was not adequate, it was not given an opportunity to correct the problem.

The bid was properly rejected as nonresponsive. For the surety on the bond to be bound in the event of bidder default, the bid must be made out to the same legal entity as that submitting the bid. Therefore, the bond submitted with the bid should have been issued to the joint venture shown on the bid form. Since it was not, the contracting officer was required to reject the bid as nonresponsive. See New World Research Corporation, B-186094, August 31, 1976, 76-2 CPD 206; Victory Salvage Company et al., B-186047, June 25, 1976, 76-1 CPD 409. Correction of the bid bond could not be allowed since the submission of a proper bid bond is a material requirement

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B-214096

and a deficient bond cannot be corrected after bid opening as this would permit the bidder to elect whether or not it wished to have its bid considered. See A. D. Roe Company, Inc., 54 Comp. Gen. 271 (1974), 74-2 CPD 194, and cases cited therein.

The protest is denied.

for *Milton J. Fowler*  
Comptroller General  
of the United States